

Senate File 336

H-1304

1 Amend the amendment, H-1249, to Senate File 336, as
2 passed by the Senate, as follows:
3 1. By striking page 1, line 1, through page 17,
4 line 28, and inserting:
5 <Amend Senate File 336, as passed by the Senate, as
6 follows:
7 1. By striking everything after the enacting clause
8 and inserting:
9 <Section 1. Section 13.31, subsection 3, Code 2015,
10 is amended to read as follows:
11 3. Administer the domestic abuse program provided
12 in chapter 236 and the sexual abuse program provided
13 in chapter 236A.
14 Sec. 2. Section 232.8, subsection 1, paragraph d,
15 subparagraph (1), Code 2015, is amended to read as
16 follows:
17 (1) The juvenile court shall abide by the
18 provisions of sections 236.4, and 236.6, 236A.6, and
19 236A.8 in holding hearings and making a disposition.
20 Sec. 3. Section 232.22, subsection 1, paragraph g,
21 Code 2015, is amended to read as follows:
22 g. There is probable cause to believe that the
23 child has committed a delinquent act which would be
24 domestic abuse under chapter 236, ~~or~~ sexual abuse under
25 chapter 236A, or a domestic abuse assault under section
26 708.2A if committed by an adult.
27 Sec. 4. NEW SECTION. 236A.1 Short title.
28 This chapter may be cited as the "*Sexual Abuse Act*".
29 Sec. 5. NEW SECTION. 236A.2 Definitions.
30 For purposes of this chapter, unless a different
31 meaning is clearly indicated by the context:
32 1. "*Department*" means the department of justice.
33 2. "*Emergency shelter services*" include but are
34 not limited to secure crisis shelters or housing for
35 victims of sexual abuse.
36 3. "*Plaintiff*" includes a person filing an action
37 on behalf of an unemancipated minor.
38 4. "*Pro se*" means a person proceeding on the
39 person's own behalf without legal representation.
40 5. "*Sexual abuse*" means any commission of a crime
41 defined in chapter 709 or section 726.2 or 728.12.
42 "Sexual abuse" also means any commission of a crime
43 in another jurisdiction under a statute that is
44 substantially similar to any crime defined in chapter
45 709 or section 726.2 or 728.12.
46 6. "*Support services*" include but are not limited
47 to legal services, counseling services, transportation
48 services, child care services, and advocacy services.
49 Sec. 6. NEW SECTION. 236A.3 Commencement of
50 actions — waiver to juvenile court.

1 1. A person, including a parent or guardian on
2 behalf of an unemancipated minor, may seek relief from
3 sexual abuse by filing a verified petition in the
4 district court. Venue shall lie where either party
5 resides. The petition shall state the following:

6 a. Name of the plaintiff and the name and address
7 of the plaintiff's attorney, if any. If the plaintiff
8 is proceeding pro se, the petition shall state a
9 mailing address for the plaintiff. A mailing address
10 may be provided by the plaintiff pursuant to section
11 236A.11.

12 b. Name and address of the parent or guardian
13 filing the petition, if the petition is being filed on
14 behalf of an unemancipated minor. A mailing address
15 may be provided by the plaintiff pursuant to section
16 236A.11.

17 c. Name and address, if known, of the defendant.

18 d. Nature of the alleged sexual abuse.

19 e. Name and age of each child under eighteen whose
20 welfare may be affected by the controversy.

21 f. Desired relief, including a request for
22 temporary or emergency orders.

23 2. A temporary or emergency order shall be based
24 on a showing of a prima facie case of sexual abuse.
25 If the factual basis for the alleged sexual abuse is
26 contested, the court shall issue a protective order
27 based upon a finding of sexual abuse by clear and
28 convincing evidence.

29 3. a. The filing fee and court costs for an order
30 for protection and in a contempt action under this
31 chapter shall be waived for the plaintiff.

32 b. The clerk of court, the sheriff of any county in
33 this state, and other law enforcement and corrections
34 officers shall perform their duties relating to service
35 of process without charge to the plaintiff. When an
36 order for protection is entered by the court, the court
37 may direct the defendant to pay to the clerk of court
38 the fees for the filing of the petition and reasonable
39 costs of service of process if the court determines the
40 defendant has the ability to pay the plaintiff's fees
41 and costs. In lieu of personal service of an order for
42 protection issued pursuant to this section, the sheriff
43 of any county in this state and other law enforcement
44 and corrections officers may serve a defendant with a
45 short-form notification pursuant to section 664A.4A.

46 4. If the person against whom relief from sexual
47 abuse is being sought is seventeen years of age
48 or younger, the district court shall waive its
49 jurisdiction over the action to the juvenile court.

50 Sec. 7. NEW SECTION. 236A.4 Plaintiffs proceeding

1 **pro se — provision of forms and assistance.**

2 1. The department shall prescribe standard forms
3 to be used by plaintiffs seeking protective orders
4 by proceeding pro se in actions under this chapter.
5 The standard forms shall include language in fourteen
6 point boldface type. Standard forms prescribed by
7 the department shall be the exclusive forms used by
8 plaintiffs proceeding pro se, and may be used by other
9 plaintiffs. The department shall distribute the forms
10 to the clerks of the district court.

11 2. The clerk of the district court shall furnish
12 the required forms to persons seeking protective orders
13 through pro se proceedings pursuant to this chapter.

14 **Sec. 8. NEW SECTION. 236A.5 Assistance by county**
15 **attorney.**

16 A county attorney's office may provide assistance
17 to a person wishing to initiate proceedings pursuant
18 to this chapter or to a plaintiff at any stage of a
19 proceeding under this chapter, if the individual does
20 not have sufficient funds to pay for legal assistance
21 and if the assistance does not create a conflict
22 of interest for the county attorney's office. The
23 assistance provided may include but is not limited to
24 assistance in obtaining or completing forms, filing
25 a petition or other necessary pleading, presenting
26 evidence to the court, and enforcing the orders of the
27 court entered pursuant to this chapter. Providing
28 assistance pursuant to this section shall not be
29 considered the private practice of law for the purposes
30 of section 331.752.

31 **Sec. 9. NEW SECTION. 236A.6 Hearings — temporary**
32 **orders.**

33 1. Not less than five and not more than fifteen
34 days after commencing a proceeding and upon notice to
35 the other party, a hearing shall be held at which the
36 plaintiff must prove the allegation of sexual abuse by
37 clear and convincing evidence.

38 2. The court may enter any temporary order it deems
39 necessary to protect the plaintiff from sexual abuse
40 prior to the hearing upon good cause shown in an ex
41 parte proceeding. Present danger of sexual abuse to
42 the plaintiff constitutes good cause for purposes of
43 this subsection.

44 3. If a hearing is continued, the court may make or
45 extend any temporary order under subsection 2 that it
46 deems necessary.

47 4. Upon application of a party, the court shall
48 issue subpoenas requiring attendance and testimony of
49 witnesses and production of papers.

50 5. The court shall advise the defendant of a

1 right to be represented by counsel of the defendant's
2 choosing and to have a continuance to secure counsel.

3 6. Hearings shall be recorded.

4 Sec. 10. NEW SECTION. 236A.7 Disposition.

5 1. Upon a finding that the defendant has engaged in
6 sexual abuse, the court may grant a protective order or
7 approve a consent agreement which may contain but is
8 not limited to any of the following provisions:

9 a. That the defendant cease sexual abuse of the
10 plaintiff.

11 b. That the defendant stay away from the
12 plaintiff's residence, school, or place of employment.

13 2. An order for a protective order or approved
14 consent agreement shall be for a fixed period of
15 time not to exceed one year. The court may amend or
16 extend its order or a consent agreement at any time
17 upon a petition filed by either party and after notice
18 and hearing. The court may extend the order if the
19 court, after hearing at which the defendant has the
20 opportunity to be heard, finds that the defendant
21 continues to pose a threat to the safety of the victim,
22 persons residing with the victim, or members of the
23 victim's immediate family. The number of extensions
24 that can be granted by the court is not limited.

25 3. The order shall state whether a person is to be
26 taken into custody by a peace officer for a violation
27 of the terms stated in the order.

28 4. The court may order that the defendant pay the
29 plaintiff's attorney fees and court costs.

30 5. An order or consent agreement under this section
31 shall not affect title to real property.

32 6. A copy of any order or approved consent
33 agreement shall be issued to the plaintiff, the
34 defendant, the county sheriff of the county in which
35 the order or consent decree is initially entered, and
36 the twenty-four-hour dispatcher for the county sheriff.
37 Any subsequent amendment or revocation of an order
38 or consent agreement shall be forwarded by the clerk
39 to all individuals and the county sheriff previously
40 notified.

41 7. The clerk shall notify the county sheriff and
42 the twenty-four-hour dispatcher for the county sheriff
43 in writing so that the county sheriff and the county
44 sheriff's dispatcher receive written notice within six
45 hours of filing the order, approved consent agreement,
46 amendment, or revocation. The clerk may fulfill this
47 requirement by sending the notice by facsimile or other
48 electronic transmission which reproduces the notice in
49 writing within six hours of filing the order.

50 8. The county sheriff's dispatcher shall notify all

1 law enforcement agencies having jurisdiction over the
2 matter and the twenty-four-hour dispatcher for the law
3 enforcement agencies upon notification by the clerk.

4 **Sec. 11. NEW SECTION. 236A.8 Emergency orders.**

5 1. When the court is unavailable from the close
6 of business at the end of the day or week to the
7 resumption of business at the beginning of the day or
8 week, a petition may be filed before a district judge,
9 or district associate judge designated by the chief
10 judge of the judicial district, who may grant emergency
11 relief in accordance with section 236A.7, subsection
12 1, paragraph "b", if the district judge or district
13 associate judge deems it necessary to protect the
14 plaintiff from sexual abuse, upon good cause shown in
15 an ex parte proceeding. Present danger of sexual abuse
16 to the plaintiff constitutes good cause for purposes
17 of this subsection.

18 2. An emergency order issued under subsection 1
19 shall expire seventy-two hours after issuance. When
20 the order expires, the plaintiff may seek a temporary
21 order from the court pursuant to section 236A.6.

22 3. A petition filed and emergency order issued
23 under this section and any documentation in support of
24 the petition and order shall be immediately certified
25 to the court. The certification shall commence a
26 proceeding for purposes of section 236A.3.

27 **Sec. 12. NEW SECTION. 236A.9 Procedure.**

28 A proceeding under this chapter shall be held in
29 accordance with the rules of civil procedure, except
30 as otherwise set forth in this chapter and in chapter
31 664A, and is in addition to any other civil or criminal
32 remedy.

33 **Sec. 13. NEW SECTION. 236A.10 Sexual abuse**
34 **information.**

35 1. Criminal or juvenile justice agencies, as
36 defined in section 692.1, shall collect and maintain
37 information on incidents involving sexual abuse
38 and shall provide the information to the department
39 of public safety in the manner prescribed by the
40 department of public safety.

41 2. The department of public safety may compile
42 statistics and issue reports on sexual abuse in Iowa,
43 provided individual identifying details of the sexual
44 abuse are deleted. The statistics and reports may
45 include nonidentifying information on the personal
46 characteristics of perpetrators and victims. The
47 department of public safety may request the cooperation
48 of the department of justice in compiling the
49 statistics and issuing the reports. The department of
50 public safety may provide nonidentifying information

1 on individual incidents of sexual abuse to persons
2 conducting bona fide research, including but not
3 limited to personnel of the department of justice.

4 **Sec. 14. NEW SECTION. 236A.11 Plaintiff's address**
5 **— confidentiality of records.**

6 1. A person seeking relief from sexual abuse under
7 this chapter may use any of the following addresses as
8 a mailing address for purposes of filing a petition
9 under this chapter, as well as for the purpose of
10 obtaining any utility or other service:

11 a. The mailing address of a shelter or other
12 agency.

13 b. A public or private post office box.

14 c. Any other mailing address, with the permission
15 of the resident of that address.

16 2. A person shall report any change of address,
17 whether designated according to subsection 1 or
18 otherwise, to the clerk of court no more than five days
19 after the previous address on record becomes invalid.

20 3. The entire file or a portion of the file in a
21 sexual abuse case shall be sealed by the clerk of court
22 as ordered by the court to protect the privacy interest
23 or safety of any person.

24 4. Notwithstanding subsection 3, court orders and
25 support payment records shall remain public records,
26 although the court may order that address and location
27 information be redacted from the public records.

28 **Sec. 15. NEW SECTION. 236A.12 Duties of peace**
29 **officer — magistrate.**

30 1. A peace officer shall use every reasonable means
31 to enforce an order or court-approved consent agreement
32 entered under this chapter, an order that establishes
33 conditions of release or is a protective order or
34 sentencing order in a criminal prosecution arising from
35 a sexual abuse, or a protective order under chapter
36 232. If a peace officer has reason to believe that
37 sexual abuse has occurred, the peace officer shall ask
38 the abused person if any prior orders exist, and shall
39 contact the twenty-four-hour dispatcher to inquire
40 if any prior orders exist. If a peace officer has
41 probable cause to believe that a person has violated
42 an order or approved consent agreement entered under
43 this chapter, an order establishing conditions of
44 release or a protective or sentencing order in a
45 criminal prosecution arising from sexual abuse, or, if
46 the person is an adult, a violation of a protective
47 order under chapter 232, the peace officer shall take
48 the person into custody and shall take the person
49 without unnecessary delay before the nearest or most
50 accessible magistrate in the judicial district in which

1 the person was taken into custody. The magistrate
2 shall make an initial preliminary determination whether
3 there is probable cause to believe that an order or
4 consent agreement existed and that the person taken
5 into custody has violated its terms. The magistrate's
6 decision shall be entered in the record.

7 2. If a peace officer has probable cause to believe
8 that a person has violated an order or approved
9 consent agreement entered under this chapter, an order
10 establishing conditions of release or a protective or
11 sentencing order in a criminal prosecution arising from
12 a sexual abuse, or a protective order under chapter
13 232, and the peace officer is unable to take the person
14 into custody within twenty-four hours of making the
15 probable cause determination, the peace officer shall
16 either request a magistrate to make a determination
17 as to whether a rule to show cause or arrest warrant
18 should be issued, or refer the matter to the county
19 attorney.

20 3. If the magistrate finds probable cause, the
21 magistrate shall order the person to appear either
22 before the court which issued the original order or
23 approved the consent agreement, or before the court
24 in the jurisdiction where the alleged violation took
25 place, at a specified time not less than five days nor
26 more than fifteen days after the initial appearance
27 under this section. The magistrate shall cause the
28 original court to be notified of the contents of the
29 magistrate's order.

30 4. A peace officer shall not be held civilly or
31 criminally liable for acting pursuant to this section
32 provided that the peace officer acts reasonably and in
33 good faith, on probable cause, and the officer's acts
34 do not constitute a willful and wanton disregard for
35 the rights or safety of another.

36 **Sec. 16. NEW SECTION. 236A.13 Prevention of**
37 **further abuse — notification of rights — arrest —**
38 **liability.**

39 1. If a peace officer has reason to believe that
40 sexual abuse has occurred, the officer shall use all
41 reasonable means to prevent further abuse including but
42 not limited to the following:

43 a. If requested, remaining on the scene as long as
44 there is a danger to an abused person's physical safety
45 without the presence of a peace officer, including but
46 not limited to staying in the dwelling unit, or if
47 unable to remain on the scene, assisting the person in
48 leaving the residence.

49 b. Assisting an abused person in obtaining medical
50 treatment necessitated by an assault, including

1 providing assistance to the abused person in obtaining
2 transportation to the emergency room of the nearest
3 hospital.

4 c. Providing an abused person with immediate and
5 adequate notice of the person's rights. The notice
6 shall consist of handing the person a document that
7 includes the telephone numbers of shelters, support
8 groups, and crisis lines operating in the area and
9 contains a copy of the following statement written in
10 English and Spanish; asking the person to read the
11 card; and asking whether the person understands the
12 rights:

13 You have the right to ask the court for the
14 following help on a temporary basis:

15 [1] Keeping your attacker away from you, your home,
16 and your place of work.

17 [2] The right to stay at your home without
18 interference from your attacker.

19 You have the right to seek help from the court to
20 seek a protective order with or without the assistance
21 of legal representation. You have the right to seek
22 help from the courts without the payment of court costs
23 if you do not have sufficient funds to pay the costs.

24 You have the right to file criminal charges for
25 threats, assaults, or other related crimes.

26 You have the right to seek restitution against your
27 attacker for harm to yourself or your property.

28 If you are in need of medical treatment, you have
29 the right to request that the officer present assist
30 you in obtaining transportation to the nearest hospital
31 or otherwise assist you.

32 If you believe that police protection is needed for
33 your physical safety, you have the right to request
34 that the officer present remain at the scene until you
35 and other affected parties can leave or until safety
36 is otherwise ensured.

37 2. A peace officer is not civilly or criminally
38 liable for actions pursuant to this section taken
39 reasonably and in good faith.

40 Sec. 17. NEW SECTION. 236A.14 Prohibition against
41 referral.

42 In a criminal action arising from sexual abuse, as
43 defined in section 236A.2, the prosecuting attorney or
44 court shall not refer or order the parties involved
45 to mediation or other nonjudicial procedures prior to
46 judicial resolution of the action.

47 Sec. 18. NEW SECTION. 236A.15 Application for
48 designation and funding as a provider of services for
49 victims of sexual abuse.

50 Upon receipt of state or federal funding designated

1 for victims of sexual abuse by the department, a public
2 or private nonprofit organization may apply to the
3 department for designation and funding as a provider
4 of emergency shelter services and support services
5 to victims of sexual abuse. The application shall
6 be submitted on a form prescribed by the department
7 and shall include but not be limited to information
8 regarding services to be provided, budget, and security
9 measures.

10 Sec. 19. NEW SECTION. 236A.16 Department powers
11 and duties.

12 1. The department shall do all of the following:

13 a. Designate and award grants for existing and
14 pilot programs pursuant to this chapter to provide
15 emergency shelter services and support services to
16 victims of sexual abuse.

17 b. Design and implement a uniform method of
18 collecting data from sexual abuse organizations funded
19 under this chapter.

20 c. Designate and award moneys for publicizing and
21 staffing a statewide, toll-free telephone hotline
22 for use by victims of sexual abuse. The department
23 may award a grant to a public agency or a private,
24 nonprofit organization for the purpose of operating the
25 hotline. The operation of the hotline shall include
26 informing victims of their rights and of various
27 community services that are available, referring
28 victims to service providers, receiving complaints
29 concerning misconduct by peace officers and encouraging
30 victims to refer such complaints to the office of
31 ombudsman, providing counseling services to victims
32 over the telephone, and providing sexual abuse victim
33 advocacy.

34 d. Advertise the toll-free telephone hotline
35 through the use of public service announcements,
36 billboards, print and broadcast media services,
37 and other appropriate means, and contact media
38 organizations to encourage the provision of free or
39 inexpensive advertising concerning the hotline and its
40 services.

41 e. Develop, with the assistance of the entity
42 operating the telephone hotline and other sexual abuse
43 victim services providers, brochures explaining the
44 rights of victims set forth under section 236A.13 and
45 the services of the telephone hotline, and distribute
46 the brochures to law enforcement agencies, victim
47 service providers, health practitioners, charitable and
48 religious organizations, and other entities that may
49 have contact with victims of sexual abuse.

50 2. The department shall consult and cooperate with

1 all public and private agencies which may provide
2 services to victims of sexual abuse, including but not
3 limited to legal services, social services, prospective
4 employment opportunities, and unemployment benefits.

5 3. The department may accept, use, and dispose of
6 contributions of money, services, and property made
7 available by an agency or department of the state or
8 federal government, or a private agency or individual.

9 **Sec. 20. NEW SECTION. 236A.17 Sexual abuse**
10 **training requirements.**

11 The department, in cooperation with victim service
12 providers, shall work with various professional
13 organizations to encourage organizations to establish
14 training programs for professionals who work in the
15 area of sexual abuse prevention and services. Sexual
16 abuse training may include but is not limited to the
17 following areas:

18 1. The enforcement of both civil and criminal
19 remedies in sexual abuse matters.

20 2. The nature, extent, and causes of sexual abuse.

21 3. The legal rights and remedies available
22 to sexual abuse victims, including crime victim
23 compensation.

24 4. Services available to sexual abuse victims
25 including the sexual abuse telephone hotline.

26 5. The duties of peace officers pursuant to this
27 chapter.

28 6. Techniques for intervention in sexual abuse
29 cases.

30 **Sec. 21. NEW SECTION. 236A.18 Reference to certain**
31 **criminal provisions.**

32 In addition to the provisions contained in this
33 chapter, certain criminal penalties and provisions
34 pertaining to sexual abuse are set forth in chapters
35 664A and 709 and section 726.2 or 728.12.

36 **Sec. 22. NEW SECTION. 236A.19 Foreign protective**
37 **orders — registration — enforcement.**

38 1. As used in this section, "*foreign protective*
39 *order*" means a protective order entered by a court of
40 another state, Indian tribe, or United States territory
41 that would be an order or court-approved consent
42 agreement entered under this chapter, an order that
43 establishes conditions of release, or a protective
44 order or sentencing order in a criminal prosecution
45 arising from a sexual abuse if it had been entered in
46 Iowa.

47 2. A certified or authenticated copy of a permanent
48 foreign protective order may be filed with the clerk of
49 the district court in any county that would have venue
50 if the original action was being commenced in this

1 state or in which the person in whose favor the order
2 was entered may be present.

3 *a.* The clerk shall file foreign protective orders
4 that are not certified or authenticated, if supported
5 by an affidavit of a person with personal knowledge,
6 subject to the penalties for perjury. The person
7 protected by the order may provide this affidavit.

8 *b.* The clerk shall provide copies of the order as
9 required by section 236A.7, except that notice shall
10 not be provided to the respondent without the express
11 written direction of the person in whose favor the
12 order was entered.

13 3. *a.* A valid foreign protective order has the
14 same effect and shall be enforced in the same manner as
15 a protective order issued in this state whether or not
16 filed with a clerk of court or otherwise placed in a
17 registry of protective orders.

18 *b.* A foreign protective order is valid if it meets
19 all of the following:

20 (1) The order states the name of the protected
21 individual and the individual against whom enforcement
22 is sought.

23 (2) The order has not expired.

24 (3) The order was issued by a court or tribunal
25 that had jurisdiction over the parties and subject
26 matter under the law of the foreign jurisdiction.

27 (4) The order was issued in accordance with
28 the respondent's due process rights, either after
29 the respondent was provided with reasonable notice
30 and an opportunity to be heard before the court or
31 tribunal that issued the order, or in the case of an
32 *ex parte* order, the respondent was granted notice and
33 opportunity to be heard within a reasonable time after
34 the order was issued.

35 *c.* Proof that a foreign protective order failed
36 to meet all of the factors listed in paragraph "*b*"
37 shall be an affirmative defense in any action seeking
38 enforcement of the order.

39 4. A peace officer shall treat a foreign protective
40 order as a valid legal document and shall make an
41 arrest for a violation of the foreign protective order
42 in the same manner that a peace officer would make an
43 arrest for a violation of a protective order issued
44 within this state.

45 *a.* The fact that a foreign protective order has not
46 been filed with the clerk of court or otherwise placed
47 in a registry shall not be grounds to refuse to enforce
48 the terms of the order unless it is apparent to the
49 officer that the order is invalid on its face.

50 *b.* A peace officer acting reasonably and in good

1 faith in connection with the enforcement of a foreign
2 protective order shall be immune from civil and
3 criminal liability in any action arising in connection
4 with such enforcement.

5 5. Filing and service costs in connection with
6 foreign protective orders are waived as provided in
7 section 236A.3.

8 Sec. 23. NEW SECTION. 236A.20 Mutual protective
9 orders prohibited — exceptions.

10 A court in an action under this chapter shall not
11 issue mutual protective orders against the victim and
12 the abuser unless both file a petition requesting a
13 protective order.

14 Sec. 24. Section 331.304, Code 2015, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 12. A county shall not adopt or
17 enforce any ordinance or regulation in violation of
18 chapter 562C.

19 Sec. 25. Section 331.424, subsection 1, paragraph
20 a, subparagraph (6), Code 2015, is amended to read as
21 follows:

22 (6) The maintenance and operation of the courts,
23 including but not limited to the salary and expenses
24 of the clerk of the district court and other employees
25 of the clerk's office, and bailiffs, court costs
26 if the prosecution fails or if the costs cannot be
27 collected from the person liable, costs and expenses
28 of prosecution under section 189A.17, salaries and
29 expenses of juvenile court officers under chapter
30 602, court-ordered costs in domestic abuse cases
31 under section 236.5, sexual abuse cases under section
32 236A.7, and elder abuse cases under section 235F.6,
33 the county's expense for confinement of prisoners
34 under chapter 356A, temporary assistance to the county
35 attorney, county contributions to a retirement system
36 for bailiffs, reimbursement for judicial magistrates
37 under section 602.6501, claims filed under section
38 622.93, interpreters' fees under section 622B.7,
39 uniform citation and complaint supplies under section
40 805.6, and costs of prosecution under section 815.13.

41 Sec. 26. Section 364.3, Code 2015, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 11. A city shall not adopt or
44 enforce any ordinance or regulation in violation of
45 chapter 562C.

46 Sec. 27. Section 507B.4, subsection 3, paragraph
47 g, subparagraph (3), Code 2015, is amended to read as
48 follows:

49 (3) Making or permitting any discrimination in the
50 sale of insurance solely on the basis of domestic abuse

1 as defined in section 236.2 or sexual abuse as defined
2 in section 236A.2.

3 Sec. 28. NEW SECTION. 562C.1 Title — purpose.

4 1. This chapter shall be known and may be cited as
5 the "*Right to Assistance Act*".

6 2. The purpose of this chapter is to ensure that
7 an owner, lessee, or lessor of property in need of law
8 enforcement assistance or other emergency assistance
9 in the state of Iowa is not penalized for those
10 authorities being contacted, and to provide a remedy
11 for violations of this chapter.

12 Sec. 29. NEW SECTION. 562C.2 Definitions.

13 For purposes of this chapter, unless the context
14 otherwise requires:

15 1. "*Commercial landlord*" means a person who is the
16 owner, lessor, or sublessor of a property on which a
17 tenant operates or intends to operate a business.

18 2. "*Commercial tenant*" means a person who leases a
19 property for the purpose of operating a business on the
20 property.

21 3. "*Landlord*" means a commercial landlord or a
22 residential landlord.

23 4. "*Owner*" means one or more persons, jointly or
24 severally, in whom is vested either of the following:

25 a. All or part of the legal title to property.

26 b. All or part of the beneficial ownership and a
27 right to present use and enjoyment of the property, and
28 the term includes a mortgagee in possession.

29 5. "*Rental agreement*" means the same as defined
30 in section 562A.6 or 562B.7, or an oral or written
31 agreement embodying the terms and conditions concerning
32 the use and occupancy of real estate used for
33 commercial purposes, whichever is applicable.

34 6. "*Resident*" means a residential tenant, a member
35 of such tenant's family, and any other person residing
36 at the premises with the consent of the residential
37 tenant.

38 7. "*Residential landlord*" means the same as
39 "landlord" in section 562A.6 or 562B.7, whichever is
40 applicable.

41 8. "*Residential tenant*" means the same as "tenant"
42 in section 562A.6 or 562B.7, whichever is applicable.

43 9. "*Tenant*" means a commercial tenant or
44 residential tenant.

45 Sec. 30. NEW SECTION. 562C.3 Uniform application.

46 To provide for the uniform application of the
47 provisions of this chapter, the provisions of this
48 chapter shall supersede any local ordinance, rule, or
49 regulation that is inconsistent with or conflicts with
50 the provisions of this chapter.

1 Sec. 31. NEW SECTION. 562C.4 Prohibition of local
2 penalties for emergency assistance contact.

3 1. An ordinance, rule, or regulation of a city,
4 county, or other governmental entity shall not
5 authorize imposition of a penalty against a resident,
6 owner, tenant, or landlord for a contact made for law
7 enforcement assistance or other emergency assistance
8 by or on behalf of a victim of abuse, a victim of a
9 crime, or an individual in an emergency, if either of
10 the following is established:

11 a. The person making the contact had a reasonable
12 belief that the emergency assistance was necessary to
13 prevent the perpetration or escalation of the abuse,
14 crime, or emergency.

15 b. In the event of abuse, crime, or other
16 emergency, the emergency assistance was actually
17 needed.

18 2. Penalties prohibited by subsection 1 include the
19 following:

20 a. The actual or threatened revocation, suspension,
21 or nonrenewal of a rental certificate, license, or
22 permit.

23 b. The actual or threatened assessment of
24 penalties, fines, or fees.

25 c. The actual or threatened eviction, or causing
26 the actual or threatened eviction, from the leased
27 premises.

28 3. This section does not prohibit a city,
29 county, or other governmental entity from enforcing
30 any ordinance, rule, or regulation premised upon
31 grounds other than a contact made for law enforcement
32 assistance or other emergency assistance by or on
33 behalf of a victim of abuse, a victim of a crime, or an
34 individual in an emergency.

35 Sec. 32. NEW SECTION. 562C.5 Prohibition of
36 landlord penalties — waiver of rights.

37 1. A landlord may not prohibit or limit a
38 resident's or tenant's rights to summon law enforcement
39 assistance or other emergency assistance by or on
40 behalf of a victim of abuse, a victim of a crime,
41 or an individual in an emergency or may not impose
42 monetary or other penalties on a resident or tenant who
43 exercises that right.

44 2. Any waiver of the provisions of this section is
45 contrary to public policy and is void, unenforceable,
46 and of no force or effect.

47 3. This section shall not be construed to prohibit
48 a landlord from recovering from a resident or tenant an
49 amount equal to the costs incurred to repair property
50 damage if the damage is caused by law enforcement or

1 other emergency personnel summoned by the resident or
2 tenant.

3 4. This section does not prohibit a landlord from
4 terminating, evicting, or refusing to renew a tenancy
5 or rental agreement when such action is premised upon
6 grounds other than a contact made for law enforcement
7 assistance or other emergency assistance by or on
8 behalf of a victim of abuse, a victim of a crime, or an
9 individual in an emergency.

10 **Sec. 33. NEW SECTION. 562C.6 Remedies.**

11 1. In addition to other remedies provided by
12 law, if a city, county, or other governmental entity
13 violates the provisions of this chapter, a resident,
14 owner, tenant, or landlord is entitled to recover from
15 the city, county, or other governmental entity any of
16 the following:

17 a. An order requiring the city, county, or other
18 governmental entity to cease and desist the unlawful
19 practice.

20 b. Other equitable relief, including reinstatement
21 of a rental certificate, license, or permit, as the
22 court may deem appropriate.

23 c. Actual damages.

24 d. Reasonable attorney fees the resident, owner,
25 tenant, or landlord incurs in seeking enforcement of
26 this chapter.

27 e. Court costs.

28 2. In addition to other remedies provided by law,
29 if an owner or landlord violates the provisions of this
30 chapter, a resident or tenant is entitled to recover
31 from the owner or landlord any of the following:

32 a. A civil penalty in an amount equal to one
33 month's rent.

34 b. Actual damages.

35 c. Reasonable attorney fees the tenant or resident
36 incurs in seeking enforcement of this chapter.

37 d. Court costs.

38 e. Injunctive relief.

39 **Sec. 34. Section 600A.8, Code 2015, is amended by**
40 **adding the following new subsection:**

41 **NEW SUBSECTION. 11. A biological parent of the**
42 **child who is the subject of the termination of parental**
43 **rights has been convicted of sexual abuse against the**
44 **other biological parent of the child and the child was**
45 **conceived as a result of the sexual abuse.**

46 **Sec. 35. Section 664A.1, subsection 2, Code 2015,**
47 **is amended to read as follows:**

48 2. "*Protective order*" means a protective order
49 issued pursuant to chapter 232, a court order or
50 court-approved consent agreement entered pursuant

1 to this chapter or chapter 235F, a court order or
2 court-approved consent agreement entered pursuant
3 to chapter 236 or 236A, including a valid foreign
4 protective order under section 236.19, subsection 3, or
5 section 236A.19, subsection 3, a temporary or permanent
6 protective order or order to vacate the homestead under
7 chapter 598, or an order that establishes conditions of
8 release or is a protective order or sentencing order in
9 a criminal prosecution arising from a domestic abuse
10 assault under section 708.2A, or a civil injunction
11 issued pursuant to section 915.22.

12 Sec. 36. Section 664A.2, subsection 2, Code 2015,
13 is amended to read as follows:

14 2. A protective order issued in a civil proceeding
15 shall be issued pursuant to chapter 232, 235F, 236,
16 236A, 598, or 915. Punishment for a violation of a
17 protective order shall be imposed pursuant to section
18 664A.7.

19 Sec. 37. Section 664A.3, subsection 1, unnumbered
20 paragraph 1, Code 2015, is amended to read as follows:

21 When a person is taken into custody for contempt
22 proceedings pursuant to section 236.11, taken into
23 custody pursuant to section 236A.12, or arrested for
24 any public offense referred to in section 664A.2,
25 subsection 1, and the person is brought before a
26 magistrate for initial appearance, the magistrate shall
27 enter a no-contact order if the magistrate finds both
28 of the following:

29 Sec. 38. Section 664A.3, subsection 2, Code 2015,
30 is amended to read as follows:

31 2. Notwithstanding chapters 804 and 805, a person
32 taken into custody pursuant to section 236.11 or
33 236A.12 or arrested pursuant to section 236.12 may
34 be released on bail or otherwise only after initial
35 appearance before a magistrate as provided in chapter
36 804 and the rules of criminal procedure or section
37 236.11 or 236A.12, whichever is applicable.

38 Sec. 39. Section 664A.4, subsection 2, Code 2015,
39 is amended to read as follows:

40 2. The clerk of the district court shall
41 provide a notice and copy of the no-contact order
42 to the appropriate law enforcement agencies and the
43 twenty-four-hour dispatcher for the law enforcement
44 agencies in the same manner as provided in section
45 235F.6, or 236.5, or 236A.7, as applicable. The clerk
46 of the district court shall provide a notice and copy
47 of a modification or vacation of a no-contact order in
48 the same manner.

49 Sec. 40. Section 664A.5, Code 2015, is amended to
50 read as follows:

1 **664A.5 Modification — entry of permanent no-contact**
2 **order.**

3 If a defendant is convicted of, receives a deferred
4 judgment for, or pleads guilty to a public offense
5 referred to in section 664A.2, subsection 1, or is
6 held in contempt for a violation of a no-contact
7 order issued under section 664A.3 or for a violation
8 of a protective order issued pursuant to chapter
9 232, 235F, 236, 236A, 598, or 915, the court shall
10 either terminate or modify the temporary no-contact
11 order issued by the magistrate. The court may enter
12 a no-contact order or continue the no-contact order
13 already in effect for a period of five years from the
14 date the judgment is entered or the deferred judgment
15 is granted, regardless of whether the defendant is
16 placed on probation.

17 Sec. 41. Section 664A.7, subsections 1, 3, and 5,
18 Code 2015, are amended to read as follows:

19 1. Violation of a no-contact order issued under
20 this chapter or a protective order issued pursuant
21 to chapter 232, 235F, 236, 236A, or 598, including a
22 modified no-contact order, is punishable by summary
23 contempt proceedings.

24 3. If convicted of or held in contempt for
25 a violation of a no-contact order or a modified
26 no-contact order for a public offense referred to in
27 section 664A.2, subsection 1, or held in contempt
28 of a no-contact order issued during a contempt
29 proceeding brought pursuant to section 236.11 or
30 236A.12, the person shall be confined in the county
31 jail for a minimum of seven days. A jail sentence
32 imposed pursuant to this subsection shall be served
33 on consecutive days. No portion of the mandatory
34 minimum term of confinement imposed by this subsection
35 shall be deferred or suspended. A deferred judgment,
36 deferred sentence, or suspended sentence shall not
37 be entered for a violation of a no-contact order,
38 modified no-contact order, or protective order and the
39 court shall not impose a fine in lieu of the minimum
40 sentence, although a fine may be imposed in addition to
41 the minimum sentence.

42 5. Violation of a no-contact order entered for the
43 offense or alleged offense of domestic abuse assault
44 in violation of section 708.2A or a violation of a
45 protective order issued pursuant to chapter 232, 235F,
46 236, 236A, 598, or 915 constitutes a public offense and
47 is punishable as a simple misdemeanor. Alternatively,
48 the court may hold a person in contempt of court for
49 such a violation, as provided in subsection 3.

50 Sec. 42. Section 702.11, subsection 1, Code 2015,

1 is amended to read as follows:

2 1. A "*forcible felony*" is any felonious child
3 endangerment, assault, murder, sexual abuse,
4 kidnapping, robbery, arson in the first degree, or
5 burglary in the first degree, or human trafficking.

6 Sec. 43. Section 709.15, subsection 1, paragraph
7 f, Code 2015, is amended by striking the paragraph and
8 inserting in lieu thereof the following:

9 f. (1) "*School employee*" means any of the
10 following, except as provided in subparagraph (2):

11 (a) A person who holds a license, certificate,
12 authorization, or statement of professional recognition
13 issued by the board of educational examiners under
14 chapter 272.

15 (b) A person employed by a school district or
16 nonpublic school full-time or part-time, or as a
17 substitute employee.

18 (c) A contract employee of a school district or
19 nonpublic school who has significant contact with
20 students enrolled in the school district or nonpublic
21 school.

22 (d) A person who performs services as a volunteer
23 for a school district or nonpublic school and who has
24 significant contact with students enrolled in the
25 school district or nonpublic school.

26 (2) "*School employee*" does not include the
27 following:

28 (a) A student enrolled in a school district or
29 nonpublic school.

30 (b) A person who holds a coaching authorization
31 issued under section 272.31, subsection 1, if the
32 person is less than four years older than the student
33 with whom the person engages in conduct prohibited
34 under subsection 3, paragraph "a", and the person is
35 not in a position of direct authority over the student.

36 (c) A person who performs services as a volunteer
37 for a school district or nonpublic school and who has
38 significant contact with students enrolled in the
39 school district or nonpublic school, if the person
40 is less than four years older than the student with
41 whom the person engages in conduct prohibited under
42 subsection 3, paragraph "a", and the person is not in a
43 position of direct authority over the student.

44 Sec. 44. Section 709.15, subsection 3, Code 2015,
45 is amended by adding the following new paragraph:

46 NEW PARAGRAPH. c. The provisions of this
47 subsection do not apply to a person who is employed
48 by, volunteers for, or is under contract with a school
49 district or nonpublic school if the student is not
50 enrolled in the same school district or nonpublic

1 school that employs the person or for which the person
2 volunteers or is under contract, and the person does
3 not meet the requirements of subsection 1, paragraph
4 "f", subparagraph (1), subparagraph division (a).

5 Sec. 45. Section 709.21, subsection 1, paragraph a,
6 Code 2015, is amended to read as follows:

7 a. The other person ~~does not have knowledge about~~
8 ~~and~~ does not consent or is unable to consent to being
9 viewed, photographed, or filmed.

10 Sec. 46. Section 709.21, subsection 3, Code 2015,
11 is amended to read as follows:

12 3. A person who violates this section commits a
13 ~~serious~~ an aggravated misdemeanor.

14 Sec. 47. Section 716.7, subsection 2, paragraph
15 a, Code 2015, is amended by adding the following new
16 subparagraph:

17 NEW SUBPARAGRAPH. (7) Intentionally viewing,
18 photographing, or filming another person through the
19 window or any other aperture of a dwelling, without
20 legitimate purpose, while present on the real property
21 upon which the dwelling is located, or while placing
22 on or retrieving from such property equipment to view,
23 photograph, or film another person, if the person
24 being viewed, photographed, or filmed has a reasonable
25 expectation of privacy, and if the person being viewed,
26 photographed, or filmed does not consent or cannot
27 consent to being viewed, photographed, or filmed.

28 Sec. 48. Section 716.8, subsection 1, Code 2015, is
29 amended to read as follows:

30 1. Any person who knowingly trespasses upon the
31 property of another commits a simple misdemeanor,
32 except that any person who intentionally trespasses as
33 defined in section 716.7, subsection 2, paragraph "a",
34 subparagraph (7), commits a serious misdemeanor.

35 Sec. 49. Section 915.22, subsection 5, Code 2015,
36 is amended to read as follows:

37 5. The clerk of the district court shall provide
38 notice and copies of restraining orders issued pursuant
39 to this section in a criminal case involving an
40 alleged violation of section 708.2A to the applicable
41 law enforcement agencies and the twenty-four hour
42 dispatcher for the law enforcement agencies, in the
43 manner provided for protective orders under section
44 236.5 or 236A.7. The clerk shall provide notice and
45 copies of modifications or vacations of these orders
46 in the same manner.

47 Sec. 50. Section 915.50, unnumbered paragraph 1,
48 Code 2015, is amended to read as follows:

49 In addition to other victim rights provided in this
50 chapter, victims of domestic abuse and sexual abuse

1 shall have the following rights:

2 Sec. 51. Section 915.50, subsections 1 and 2, Code
3 2015, are amended to read as follows:

4 1. The right to file a pro se petition for relief
5 from domestic abuse and sexual abuse in the district
6 court, pursuant to sections 236.3 through 236.10 and
7 sections 236A.3 through 236A.11.

8 2. The right, pursuant to ~~section~~ sections 236.12,
9 and 236A.13, for law enforcement to remain on the
10 scene, to assist the victim in leaving the scene,
11 to assist the victim in obtaining transportation to
12 medical care, and to provide the person with a written
13 statement of victim rights and information about
14 domestic abuse and sexual abuse shelters, support
15 services, and crisis lines.

16 Sec. 52. Section 915.94, Code 2015, is amended to
17 read as follows:

18 **915.94 Victim compensation fund.**

19 A victim compensation fund is established as a
20 separate fund in the state treasury. Moneys deposited
21 in the fund shall be administered by the department
22 and dedicated to and used for the purposes of
23 section 915.41 and this subchapter. In addition, the
24 department may use moneys from the fund for the purpose
25 of the department's prosecutor-based victim service
26 coordination, including the duties defined in sections
27 910.3 and 910.6 and this chapter, and for the award of
28 funds to programs that provide services and support to
29 victims of domestic abuse or ~~sexual assault~~ abuse as
30 provided in chapter 236, to victims of sexual abuse
31 as provided in chapter 236A, to victims under section
32 710A.2, and for the support of an automated victim
33 notification system established in section 915.10A.
34 The department may also use up to one hundred thousand
35 dollars from the fund to provide training for victim
36 service providers. Notwithstanding section 8.33, any
37 balance in the fund on June 30 of any fiscal year shall
38 not revert to the general fund of the state.>

39 2. Title page, line 1, after <to> by inserting
40 <sexual abuse, sexual exploitation, human trafficking,
41 summoning emergency assistance, and invasion of
42 privacy, including>

43 3. By renumbering as necessary.>

HEARTSILL of Marion